

REMARKS

Basis for the amendment at the end of claim 1 may be found in original claims 6 and 7. Basis for the other insert regarding cutter clearance may be found at page 7 lines 30-32 and as numeral 43 in Figures 2 and 3. It is respectfully urged that these amendments do not raise any new issues requiring further search or consideration. The phrase regarding clearance merely limits and describes the offset limitation previously set forth in the claim.

In paragraph 3 of the Office Action, the Examiner objects to the specification as the amendment in the last Office Action at page 7 and page 8 is stated to have introduced new matter. The Examiner states that the previous objection will be applied if the new matter is removed. The applicant, by the amendments above, has deleted the material inserted at pages 7 and 8. Further the cancellation of figure 2a has been requested. Upon approval by the Examiner, the applicant will provide a replacement drawing that deletes figure 2a. A replacement page indicating cancellation of figure 2a is attached for the Examiner's approval. In view of these amendments it is respectfully urged that there is no issue of indefiniteness or new matter remaining. This is particularly true as claim 4 has been withdrawn.

In paragraph 4 of the Office Action, the Examiner states that claims 6 and 19 are objected to because of informalities. Claims 6 had an extra word and claim 19 had an improper Markush group. It is respectfully requested that these rejections be withdrawn as the applicant has corrected claim 19 and has removed the objectionable language from claim 6 when it was put into claim 1.

In paragraph 5 of the Office Action, claims 1-19 stand rejected under 35 USC 112 as being indefinite. The Examiner states that the term "disengaged" describes the action of the crack initiator improperly. It is respectfully requested that this rejection be reconsidered and withdrawn as the word "disengaged" has been removed from claim 1.

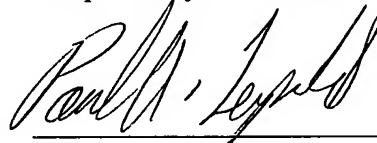
In paragraph 6 of the Office Action, claims 1-13 stand rejected under 35 USC 102 as being anticipated by Buttress (169). The Examiner cites figures 3 through 5 of Buttress as disclosing a cutter system that corresponds to those claims. This rejection is respectfully traversed. The claims are limited to a

method that has the first crack initiator of high rack angle and a first cutter of low rake angle. The claimed system further has a second cutter offset from the first cutter such that they will be separated by a clearance. The cutters of buttress do not have a crack initiator. The Examiner relies on Figures 3 – 5. However, in the method of Figures 3-5 rather than initiating a crack the cutter is designed to round and compact the edge of the portion being cut, not creating crack, until the inner portion of the material being cut is completely rounded over at which time the surface layers are finally cut together at the end of the method. The Examiner's attention is drawn to the description of this action at column 4 line 65 - column 5 line 6. Furthermore, even if the Examiner reads the tip of the cutter of Buttress as the first crack initiator there is no disclosure or suggestion of a first cutter with a low rake angle in Buttress as the Buttress cutter is a continuous arc and not a cutter. Therefore, as there is no crack initiation and no low angle first cutter disclosed in the method of Buttress the claims of the instant application are not be anticipated. Therefore it is respectfully requested that this rejection be reconsidered in withdrawn.

In paragraph 9 claims 14-17 and 19 stand rejected under 35 USC 103 as unpatentable over Buttress in view of Novak et al (173). The Examiner states that Buttress discloses everything but an imaging element. The Examiner states that Novak discloses an imaging element and a protective layer over the element. Novak does disclose photographic elements and as disclosed therein it is known to cut such elements. However, Novak et al. does not disclose or suggest any particular means of cutting such elements. There is no disclosure or suggestion in either Nowak et al. or Buttress that would lead one to the combination. Buttress cuts a wet plasterboard utilizing a cutter that compacts the edge and brings the surface laminates of the plasterboard together prior to cutting. A photographic material clearly does not share properties with plasterboard and would not lend itself to molding around corners as the soft plaster does. Therefore, there is no disclosure or suggestion to combine these references with the expectation of forming a good method to cut image materials. Further, as pointed out above the cutters of Buttress do not meet the terms of claim 1. Therefore, it is respectfully requested that this rejection be reconsidered in withdrawn.

Therefore, it is respectfully requested that the rejections under 35 USC 102, 35 USC 103, 35 USC 112., and new matter be reconsidered in withdrawn and that an Early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", written over a horizontal line.

Attorney for Applicant(s)
Registration No. 26,664

Paul A. Leipold/rgd
Rochester, NY 14650
Telephone: 585-722-5023
Facsimile: 585-477-1148

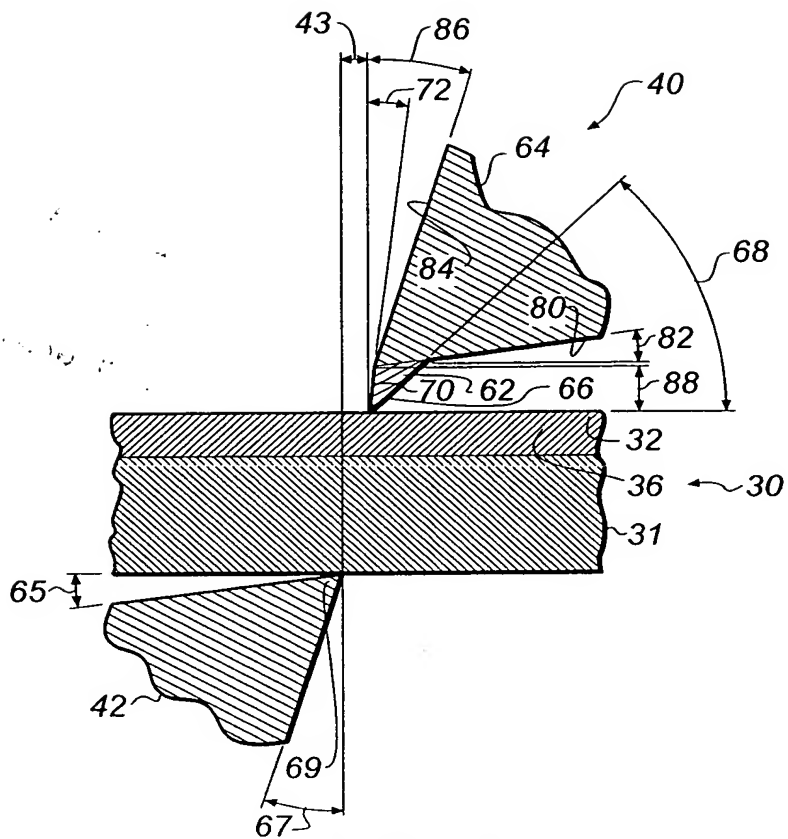


FIG. 2

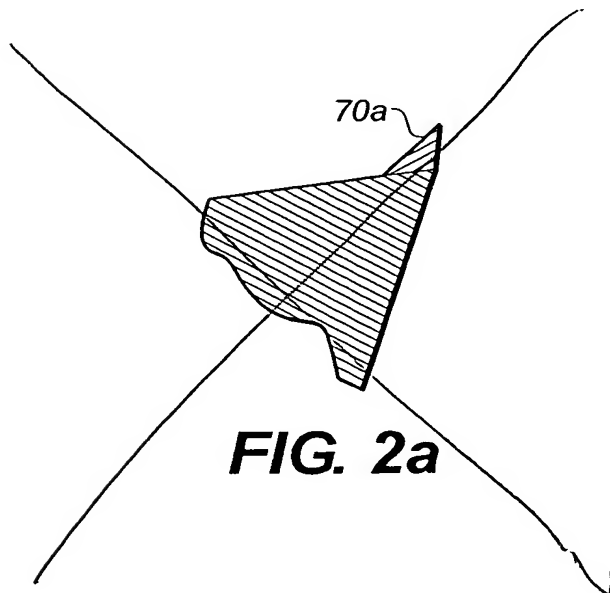


FIG. 2a